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BRINKS HOFER GILSON & LIONE
P O BOX 10395
CHICAGO, IL 60610

EXAMINER

BOYCE, ANDRE D

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,293

Applicant(s)

MISSINHOUN ET AL.

Examiner

Andre Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 have been examined.

Specification

2. The abstract of the disclosure is objected to because it is longer than 150 words.
Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 4, 8, 14, and 18 are objected to because of the following informalities:
The acronym "CSR" should be written out for clarity purposes. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1, 6, 8, 10, 11, 16, 18, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 6, 8, 10, 11, 16, 18, and 20 are rendered vague and indefinite for use of the term "otherwise". The Examiner suggests some form of positive recitation, rather than alternative based verbiage. Further, prior art will be applied assuming

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that the "otherwise" pertains to whether or not the customer is presented with partial or complete list of interaction options, based upon a comparison between the customer value and threshold value.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-4 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

As to technological arts recited in the preamble, mere recitation in the preamble (i.e., intended or field of use) or mere implication of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory

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subject matter to an otherwise abstract idea unless there is positive recitation in the claim as a whole to breathe life and meaning into the preamble. In the present case, none of the recited steps are directed to anything in the technological arts as explained above with the exception of the recitation in the preamble that the method is "over a computer network". Looking at the claim as a whole, nothing the body of the claim recites any structure or functionality to suggest that a computer performs the recited steps. Therefore, the preamble is taken to merely recite a field of use. Further, the Examiner points to Applicant's independent claim 8 as an acceptable remedy, having positively recited "...over a computer network..." in the body of the claim.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case the claimed invention presents the customer with a list of options, thereby producing a useful, concrete, and tangible result, but not within the technological arts as explained above.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kannan (US 2001/0054064), in view of Bushey et al (USPN 6,389,400).

As per claims 1 and 8, Kannan et al disclose a method for interacting with a customer interaction center over a computer network (see ¶ 0062), comprising the steps of: transmitting a request to interact with a CSR over a computer network to a customer interaction center (see ¶ 0079); receiving said request by said customer interaction center (customer enabled website); automatically calculating a customer value (i.e., high-margin or low-margin) based on historical customer interaction information (qualification determined via service manager 610 and is based upon customer profile and browsing history, see ¶ 0083 and 0084); and presenting said customer with a partial list of interaction options, or presenting said customer with a complete list of interaction options and receiving a selected interaction option from the customer (i.e., high margin/profile customer is presented with the option of entering a query or a live customer service representative (CSR), whereas a low margin/priority customer is restricted to just entering the query, see ¶ 0089 and 0090). Kannan et al does not explicitly disclose determining whether said customer value exceeds a predetermined threshold, and presenting said customer with a partial or complete list of interaction options based said predetermined threshold. Bushey et al discloses a predetermined threshold value determined by the service center (see column 10, lines 33-35), and the customer request routed via the threshold value. Both Kannan and Bushey are concerned with effective customer service, therefore it would have been obvious to one having ordinary skill in the art at

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the time the invention was made to include a predetermined threshold value in Kannan, as seen in Bushey, as an effective qualification method in determining whether a customer was high-margin or low-margin, and providing the corresponding interaction options.

As per claim 2, Kannan et al disclose conducting the interaction in accordance with the selected option (interaction via query or live customer service representative (CSR), see ¶ 0089).

As per claim 3, Kannan et al disclose determining a channel through which the interaction will be conducted (i.e., determination by customer of either a query or live CSR interaction via internet channel, see ¶ 0089); and establishing a connection between the customer and the customer interaction center along said channel.

As per claim 4, Kannan et al disclose retrieving a contact history that corresponds to said customer from a contact history database (database 550, see Figure 5); presenting the contact history to a CSR (see ¶ 0071); and interacting with the customer in accordance with the contact history, wherein said contact history is comprised of information related to previous interactions with the customer (see ¶ 0080).

As per claim 5, Kannan et al disclose observing at least one customer response to a specific question (i.e., information included in reservation form, see ¶ 0086); creating a customer profile based on said at least one customer response (see ¶ 0087); recording said at least one customer response in a customer interaction database record; repeating the observing, creating and recording steps until the

completion of the interaction (i.e., completion of the form); and copying said customer interaction database record to said contact history database (database 550 contains all profile information gathered via service applet 534 and customer input, see ¶ 0069 and 0083).

As per claims 6 and 10, Kannan et al disclose receiving a request from a client computing device (user/customer device, see ¶ 0005 and 0079) to access a customer service interaction center. Kannan et al does not disclose determining whether said request originates from a first client computing device comprised of a first processor or from a second client computing device comprised of a second processor, wherein said first client computing device is comprised of a slower central processing unit and a lower resolution display than said second client computing device; and responding to said request in a format compatible with said first client computing device, provided said request originated from said first client computing device, otherwise; responding to said request in a format compatible with said second client computing device. However, the Examiner takes Official Notice that thin client computing devices (i.e., PDA, cellular, and paging, see Kannan, Figure 1) usually consist of slower processors and smaller memories than laptop or desktop clients, as seen in Applicant's specification (see page 11, lines 13-14), and would be recognized and responded to as such. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include determining and responding to the client according to processor and memory

capacities in Kannan, thereby determining the most effective communication means via interface 1808 (see ¶ 0151).

As per claim 7, Kannan et al disclose processing a customer request to purchase an item or service (i.e., purchase running shoes, see ¶ 0102); retrieving historical customer interaction data associated with said customer from a customer value database (interaction data stored in database 550); computing a customer value (i.e., high-margin or low-margin, determined via service manager 610 based upon customer profile, status data and browsing data, see ¶ 0084 and 0103) based on said customer request and the historical customer interaction data; and updating said customer value database (database 550).

As per claim 9, Kannan et al disclose transmitting a request over a wireless medium to a customer interaction center (wireless link, see ¶ 0151).

Claims 11-20 are rejected based upon the rejection of claims 1-10, since they are the computer-readable medium claims corresponding to the method claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Smith et al (USPN 6064973) disclose a context manager for providing a framework for enabling continuous customer access resource.

-Anderson et al (USPN 6078892) disclose retrieving information from a database including pre-scoring of a plurality of records.

-Walter et al (USPN 6334110) disclose analyzing customer behavior based on the time the behavior occurs.

-Pletz et al (US 2002/0046086) disclose profiling customer service requests.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (703) 305-1867. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

adb

Susanna Diaz
Susanna Diaz
Primary Examiner
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